

**C. Remarks**

Applicant respectfully requests favorable reconsideration and reexamination of this application in view of the foregoing amendments and the following remarks.

On page 2, paragraph 1 of the Office Action claims 19 and 21 were rejected under 35 U.S.C. § 112 as lacking proper antecedent basis. Applicant respectfully traverses this rejection based on the amendments above and respectfully requests that the Office withdraw the rejection. Furthermore, Applicant submits that the amendments are made to overcome the § 112 rejection and are not made to overcome cited art. Accordingly, such amendments should not be construed in a limiting manner.

On page 2, paragraph 3 of the Office Action claims 1-4, 9-11, 15, 17-19, 26-28, 33-38, and 43-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by Seiderman (US Patent No. 5,850, 599). Applicant respectfully traverses the rejection.

Applicant respectfully submits that the Seiderman reference fails to disclose each and every element recited in claims 1, 17, and 35 as amended. For example, with respect to claim 1, the Seiderman reference fails to disclose, among other things:

a wireless communication gateway in communication with a wireless data network, the gateway configured for processing credit card validation data received from an external network and for sending a credit card validation reply message to a wireless device in communication with the wireless data network in response to receiving a credit card validation request message from the wireless device, the request message including credit card information for identifying a credit card to be validated.

The cited reference merely discloses a cellular network 46 in communication with an inter-exchange carrier (IXC) comprised of a switch 48 and a call record system 49 (see Seiderman at col. 7, lines 3-7, for example). This differs, however, from the invention recited in claim 1 in several ways. For example, the wireless data network recited in claim 1 is different from the cellular network 46 disclosed in the cited reference. The cellular network 46 is not a wireless data network but is a general local cellular carrier

electronically coupled to and forming a part of the telecommunications network 36. The wireless data network recited in claim 1, in contrast, is a two-way wireless data service that may be connected with other complimentary networks.

Furthermore, the wireless communication gateway recited in claim 1 is fundamentally different from the IXC described in the cited reference in many ways. First, the wireless communication gateway recited in claim 1 is configured to provide credit card validation processing with data received from an external network. In contrast, the IXC disclosed in the Seiderman reference is merely a telephone company that provides connections between local exchanges in different geographic areas to provide telephone service between different geographic regions covered by one or more local telephone companies or local exchange carriers (LECs). The IXC merely receives calls, validates a credit card by establishing a separate, supplemental data telephone link between itself and a credit card validation computer, then it proceeds to bill the card user for a telephone call established by the user on the cellular network 46 using credit card billing system (see Seiderman at col. 3, lines 13-21, for example).

Credit cards are approved or rejected by the validation computer system disclosed in the Seiderman reference after it reviews its own internal databases. Therefore, the IXC does not review its own databases and does not approve or reject the credit cards (see Seiderman at col. 3, lines 21-22, for example). If the validation computer accepts the credit card as valid, it sends an approval code to the IXC, which in turn establishes a communication connection between the cellular telephone and a destination telephone. The IXC, however, is not configured for processing credit card validation data received from an external network and sending a validation reply message to a wireless device in communication with the wireless data network.

Claim 1, in contrast, recites that the wireless communication gateway is configured for processing the credit card validation information received from the external network and sends a credit card validation message to the wireless device in

response to receiving the credit card validation request message from the wireless device. Rather, the IXC disclosed in the Seiderman reference merely processes the designated number being called by the cellular phone, e.g., the destination telephone, and completes the call upon receiving a credit card authorization number from the validation computer system (see Seiderman at col. 3, lines 48-51). The IXC only transmits a dial tone back to the processor, located in a credit card interface unit between the cellular telephone handset and a transceiver unit, upon initially completing the circuit between the cellular telephone and the IXC. The dial tone, however, is not transmitted when the credit card has been validated and is not the same as a credit card validation reply message sent to the wireless device in response to the wireless device's request for credit card validation, as recited in the invention of claim 1.

Therefore, Applicant respectfully submits that claim 1, as amended, is patentable over the Seiderman reference and the anticipation rejection should be withdrawn. Applicant further submits that claims 2-4, 9-11, and 15 also are patentable over the Seiderman reference at least because of their dependence from claim 1. Applicant, therefore, respectfully requests withdrawal of the anticipation rejection with respect to these dependent claims.

Claim 17 is amended to include similar features as those recited in claim 1. Therefore, Applicant respectfully submits that claim 17 is patentable over the cited reference for analogous reasons as those provided with respect to claim 1 and the anticipation rejection with respect to claim 17 also should be withdrawn. Applicant further submits that claims 18, 19, 26-28, 33, and 34 also are patentable over the Seiderman reference at least because of their dependence from claim 17. Applicant, therefore, respectfully requests withdrawal of the anticipation rejection with respect to these dependent claims.

Claim 35 is amended to include similar features as those recited in claim 1. Therefore, Applicant respectfully submits that claim 35 is patentable over the cited

reference for analogous reasons as those provided with respect to claim 1 and the anticipation rejection with respect to claim 35 also should be withdrawn. Applicant further submits that claims 36-38, and 43-45 also are patentable over the Seiderman reference at least because of their dependence from claim 35. Applicant, therefore, respectfully requests withdrawal of the anticipation rejection with respect to these dependent claims.

On page 4, paragraph 5 of the Office Action claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being obvious over the Seiderman reference. Applicant respectfully traverses the rejection.

Applicants respectfully submit that claim 17 is patentable over the Seiderman reference because the cited reference fails to teach or suggest every element recited in claim 17. For example, the cited reference fails to disclose, among other things:

sending a first credit card validation request message to a wireless communication gateway in communication with a wireless data network from a wireless device in communication with the wireless data network, the gateway configured for processing credit card validation data received from an external network, the first request message including credit card information for identifying a credit card to be validated. . . .

*See* MPEP § 2143.03 (stating that to make out a *prima facie* case of obviousness under 35 § 103(a) the cited references, when combined, must teach or suggest every element of the claim).

Furthermore, the cited reference fails to disclose “storing the second credit card validation reply message on a database associated with the gateway” and “associating a second wireless device with the second credit card validation reply message on a directory structure of the database,” as recited in claims 20 and 21, respectively. Accordingly, Applicant submits that it would not have been obvious to store a backup version of the card validation reply message in a database associated with the gateway

and associating a second wireless device with the second validation reply message at least for the following reasons. First, Seiderman fails to disclose the gateway and, second, Seiderman fails to disclose that a validation reply message is sent to the wireless device once the credit card validation data is received from an external network.

As claim 17 is patentable over the cited reference, Applicant submits that claims 20 and 21, which depend from claim 17, either directly or indirectly, also are patentable and nonobvious over the cited reference. *See* MPEP § 2143.03 (stating that if an independent claim is nonobvious over § 103(a), then any claims depending therefrom are nonobvious). Accordingly, Applicant respectfully requests that the Office withdraw the obviousness rejection with respect to claims 20 and 21.

On page 5, paragraph 6 of the Office Action claims 5, 22, and 39 are rejected under 35 U.S.C. § 103(a) as being obvious over the Seiderman reference as applied to claim 1 and further in view of Walker et al. (US Patent No. 6,208,978). Applicant respectfully traverses the rejection.

As discussed previously, Applicant respectfully submits that the Seiderman reference fails to disclose each and every element recited in claims 1, 17, and 35 as amended. For example, with respect to claim 1, the Seiderman reference fails to disclose, among other things:

a wireless communication gateway in communication with a wireless data network, the gateway configured for processing credit card validation data received from an external network and for sending a credit card validation reply message to a wireless device in communication with the wireless data network in response to receiving a credit card validation request message from the wireless device, the request message including credit card information for identifying a credit card to be validated.

Applicant further submits that claim 1 is patentable and nonobvious over the Seiderman reference because the reference fails to teach or suggest each and every element recited in claim 1. The combination of the Seiderman and Walker et al.

references fails to overcome this shortcoming. Therefore, Applicant submits that claim 1 is patentable over the Seiderman and the Walker references, taken alone or in combination, at least because the references fail to teach or suggest each and every element recited in claim 1. *See MPEP § 2143.03* (stating that to make out a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim). Applicant further submits that claim 5 is patentable and nonobvious over the Seiderman and Walker references, taken alone or in combination, at least because of its dependence from claim 1. *See MPEP § 2143.03* (stating that if an independent claim is nonobvious over § 103(a), then any claims depending therefrom are nonobvious). Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 5.

Also, as discussed previously, claim 17 is amended to include similar features as those recited in claim 1. Therefore, for reasons analogous to those provided with respect to claim 1, Applicant submits that claim 17 is patentable and nonobvious over the Seiderman reference at least because the reference fails to teach or suggest each and every claim recited in claim 17, as amended. The combination of the Seiderman reference and the Walker reference also fails to overcome this shortcoming. Applicant further submits that claim 22 is patentable and nonobvious over the Seiderman and Walker references, taken alone or in combination, at least because of its dependence from claim 17. *See MPEP § 2143.03*. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 22.

Furthermore, as discussed previously, claim 35 is amended to include similar features as those recited in claim 1. Therefore, for reasons analogous to those provided with respect to claim 1, Applicant submits that claim 35 is patentable and nonobvious over the Seiderman reference at least because the reference fails to teach or suggest each and every claim recited in claim 35, as amended. The combination of the Seiderman reference with the Walker reference also fails to overcome this shortcoming. Applicant

further submits that claim 39 is patentable and nonobvious over the Seiderman and Walker references, taken alone or in combination, at least because of its dependence from claim 35. *See MPEP § 2143.03.* Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 39.

On page 5, paragraph 7 of the Office Action claims 6-8, 12, 13, 16, 23-25, 29, 30, 40-42, 46, and 47 are rejected under 35 U.S.C. § 103(a) as being obvious over the Seiderman reference as applied to claim 1 and further in view of Harris (US Patent No. 4,776,003). Applicant respectfully traverses the rejection.

For reasons stated previously, Applicant submits that claim 1 is patentable and nonobvious over the Seiderman reference because the reference fails to teach or suggest each and every element recited in claim 1, and for analogous reasons, because the reference fails to teach or suggest each and every claim recited in claims 17 and 35. *See MPEP § 2143.03* (stating that to make out a *prima facie* case of obviousness under 35 § 103(a) the cited references, when combined, must teach or suggest every element of the claim). The combination of the Seiderman and Harris references fails to overcome this shortcoming. Therefore, Applicant submits that claims 1, 17, and 35 are patentable over the Seiderman and the Harris references, taken alone or in combination, at least because the references fail to teach or suggest each and every element recited in claims 1, 17, and 35.

Accordingly, Applicant submits that claims 6-8, 12, 13, and 16 are patentable and nonobvious over the Seiderman and Harris references, taken alone or in combination, at least because of their dependence from claim 1. Similarly, Applicant submits that claims 23-25, 29, and 30 are patentable and nonobvious over the Seiderman and Harris references, taken alone or in combination, at least because of their dependence from claim 17. Likewise, claims 40-42, 46, and 47 are patentable and nonobvious over the Seiderman and Harris references, taken alone or in combination, at least because of their dependence from claim 35. *See MPEP § 2143.03* (stating that if an independent claim is

nonobvious over § 103(a), then any claims depending therefrom are nonobvious).

Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 6-8, 12, 13, 16, 23-25, 29, 30, 40-42, 46, and 47.

On page 7, paragraph 8 of the Office Action claims 14, 31, 32, and 48 are rejected under 35 U.S.C. § 103(a) as being obvious over the Seiderman reference as applied to claim 1 and further in view of Neustein (US Patent No. 6,418,305). Applicant respectfully traverses the rejection.

For reasons stated previously, Applicant submits that claim 1 is patentable and nonobvious over the Seiderman reference because the reference fails to teach or suggest each and every element recited in claim 1, and for analogous reasons, because the reference fails to teach or suggest each and every claim recited in claims 17 and 35. *See* MPEP § 2143.03 (stating that to make out a *prima facie* case of obviousness under 35 § 103(a) the cited references, when combined, must teach or suggest every element of the claim). The combination of the Seiderman and Neustein references fails to overcome this shortcoming. Therefore, Applicant submits that claims 1, 17, and 35 are patentable over the Seiderman and the Neustein references, taken alone or in combination, at least because the references fail to teach or suggest each and every element recited in claims 1, 17, and 35.

Accordingly, Applicant submits that claim 14 is patentable and nonobvious over the Seiderman and Neustein references, taken alone or in combination, at least because of its dependence from claim 1. Similarly, Applicant submits that claims 31 and 32 are patentable and nonobvious over the Seiderman and Neustein references, taken alone or in combination, at least because of their dependence from claim 17. Likewise, claim 48 is patentable and nonobvious over the Seiderman and Neustein references, taken alone or in combination, at least because of its dependence from claim 35. *See* MPEP § 2143.03 (stating that if an independent claim is nonobvious over § 103(a), then any claims

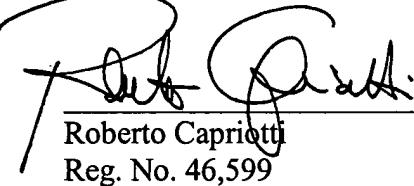
depending therefrom are nonobvious). Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 14, 31, 32, and 48.

Applicants are not otherwise conceding, however, the correctness of the Office's rejection with respect to any of the dependent claims discussed above, and to preserve the right to make additional arguments as may be necessary because additional features of the dependent claims further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

As all of the issues raised in the Office Action have been addressed, Applicant respectfully requests reexamination and favorable reconsideration of this application and the issuance of a Notice of Allowance with respect to the pending claims.

If the Office believes that the present application is in condition for disposition other than allowance, Applicant respectfully requests that the Office contact the undersigned at the telephone number listed below so that such concerns may be expeditiously addressed.

Respectfully submitted,



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